

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE CITY OF BLAINE, *et al.*,

Plaintiffs,

v.

GOLDER ASSOCIATES, INC., *et al.*,

Defendants.

No. C03-0813L

ORDER GRANTING DEFENDANTS'
MOTION TO STRIKE
CONTENTIONS REGARDING
NEGLIGENCE AND BREACH OF
CONTRACT CLAIMS

This matter comes before the Court on “Defendants’ Motions to Strike Contentions and in Limine.” Dkt. # 318. Defendants seek an order prohibiting the presentation of evidence regarding plaintiffs’ claims of negligent supervision and breach of contract against Golder Associates, Ltd., and striking related contentions asserted in the Pretrial Order.

The economic loss doctrine set forth in Berschauer/Phillips Constr. Co. v. Seattle Sch. Dist. No. 1, 124 Wn.2d 816, 821-28 (1994), applies even where, as here, there is no contractual privity between the parties. Plaintiffs did not timely seek reconsideration of the Court’s dismissal of their tort claims and cannot reinstate their negligent supervision claim through the Pretrial Order. Plaintiffs do not oppose defendants’ motion to exclude evidence regarding Golder Associates, Ltd.’s alleged breach of the Professional Services Agreement.

ORDER GRANTING DEFENDANTS’ MOTION
TO STRIKE CONTENTIONS

1 For all of the foregoing reasons, defendants' motion to strike contentions is
2 GRANTED.

3 DATED this 11th day of May, 2006.
4

5
6 

7 Robert S. Lasnik
8 United States District Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26